

AMENDED IN SENATE JUNE 11, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

**No. 2543**

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**Introduced by Assembly Member Alejo**

February 24, 2012

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An act to add Section 3305.5 to the Government Code, relating to public safety.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2543, as amended, Alejo. Public Safety Officers Procedural Bill of Rights Act: Brady lists.

The Public Safety Officers Procedural Bill of Rights Act prohibits any punitive action against a public safety officer, or denial of promotion on grounds other than merit, without providing the public safety officer with an opportunity for administrative appeal.

This bill would prohibit a public agency from taking punitive action against a public safety officer, or denying promotion on grounds other than merit, because that officer's name is placed on a Brady list, as defined. The bill would provide, however, that the public agency may take punitive or personnel action against a public safety officer based on the underlying acts or omissions for which that officer's name was placed on the Brady list, as specified. The bill would prohibit the introduction of any evidence that an officer's name was placed on a Brady list in any administrative appeal of a punitive action or civil proceeding between the officer and an office or public agency, *except as provided. The bill would permit evidence that a public safety officer's name was placed on a Brady list to be introduced if, during the*

*administrative appeal of a punitive action against an officer, the underlying act or omission for which that officer's name was placed on a Brady list is proven and the officer is found to be subject to some form of punitive action. The bill would provide that evidence introduced pursuant to the above-described provisions shall only be used for the sole purpose of determining the type or level of punitive action to be imposed.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 3305.5 is added to the Government Code,  
2 to read:

3 3305.5. (a) A punitive action, or denial of promotion on  
4 grounds other than merit, shall not be undertaken by any public  
5 agency against any public safety officer because that officer's  
6 name has been placed on a Brady list, or that the officer's name  
7 may otherwise be subject to disclosure pursuant to Brady v.  
8 Maryland (1963) 373 U.S. 83.

9 (b) This section shall not prohibit a public agency from taking  
10 punitive action, denying promotion on grounds other than merit,  
11 or taking other personnel action against a public safety officer  
12 based on the underlying acts or omissions for which that officer's  
13 name was placed on a Brady list, or may otherwise be subject to  
14 disclosure pursuant to Brady v. Maryland (1963) 373 U.S. 83, if  
15 the actions taken by the public agency otherwise conform to this  
16 chapter and to the rules and procedures adopted by the local  
17 agency.

18 (c) Evidence that a public safety officer's name has been placed  
19 on a Brady list, or may otherwise be subject to disclosure pursuant  
20 to Brady v. Maryland (1963) 373 U.S. 83, shall not be introduced  
21 for any purpose in any administrative appeal of a punitive action,  
22 or in any civil proceeding between the officer and an office or  
23 public agency, *except as provided in subdivision (d).*

24 (d) *Evidence that a public safety officer's name was placed on*  
25 *a Brady list may only be introduced if, during the administrative*  
26 *appeal of a punitive action against an officer, the underlying act*  
27 *or omission for which that officer's name was placed on a Brady*  
28 *list is proven and the officer is found to be subject to some form*

1 *of punitive action. Evidence that a public safety officer's name*  
2 *was placed on a Brady list pursuant to this subdivision shall only*  
3 *be used for the sole purpose of determining the type or level of*  
4 *punitive action to be imposed.*

5 ~~(d)~~

6 (e) For purposes of this section, "Brady list" means any system,  
7 index, list, or other record containing the names of peace officers  
8 whose personnel files are likely to contain evidence of dishonesty  
9 or bias, which is maintained by a prosecutorial agency or office  
10 in accordance with the holding in *Brady v. Maryland* (1963) 373  
11 U.S. 83.

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